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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,027	10/28/2003	Charles E. Schiedegger	68,002-392	5643

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,027

Applicant(s)

SCHIEDEGGER ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,050,037 to GIFFORD. GIFFORD discloses the use a decorative molding (10) for placing over a doorway or window (12) of a structure, said molding comprising: a base strip (26) having a plurality of apertures (32) for attaching said base strip (26) to said structure, a decorative strip (28) having a front surface (46,48) for covering said base strip (26); and a living hinge (52) interconnecting said base strip (26) and said decorative strip (28); said decorative strip (28) being rotatable about said living hinge (52) from an open position for allowing said base strip to be secured to the structure to a closed position for securing said decorative strip (28) to said base strip (26) and for hiding said plurality of apertures when in said closed position. Regarding claim 11, the decorative molding (10) of GIFFORD further includes a support structure (40,50) for supporting said decorative strip (28) relative to said base strip (26) when said decorative strip (28) is in said closed position. In reference to claim 12, the support structure (40,50) is further defined as a support member (40,50) interconnecting said decorative strip (28) with said base strip (26). Regarding claim 13, the support member (40,50) is further defined as being supported by one of said decorative strip (28) and

said base strip (26); wherein support member (40) is supported by the base strip (26) and support member (50) is supported by the decorative member (28). In reference to claim 14, the support member (50) is supported by said decorative strip (28). Regarding claim 15, the support member (40) is supported by said base strip (26). In reference to claim 16, the decorative molding (10) the support mechanism (50) acts also as a retaining mechanism retaining said decorative strip (28) in said closed position over said base strip (26). Regarding claim 17, the retaining member (50) is further defined as including a male member supported by one of said decorative strip (28) and said base strip (26) and a female member (40) supported by said other of said decorative strip (28) and said base strip (26) for engagement therewith. In reference to claim 18, the male member (50) is supported by said decorative strip (28) and said female member (40) is supported by said base strip (26).

Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,308,704 to LLOYD. LLOYD discloses the use a decorative molding (10) for placing over a doorway or window (14) of a structure, said molding comprising: a base strip (20) having a plurality of apertures (26) for attaching said base strip (26) to said structure, a decorative strip (22) having a front surface for covering said base strip (26); and a living hinge (24) interconnecting said base strip (20) and said decorative strip (20); said decorative strip (20) being rotatable about said living hinge (24) from an open position for allowing said base strip to be secured to the structure to a closed position for securing said decorative strip (22) to said base strip (20) and for hiding said plurality of apertures when in said closed position. Regarding claim 11, the decorative

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molding (10) of LLOYD further includes a support structure (31,33) for supporting said decorative strip (22) relative to said base strip (20) when said decorative strip (22) is in said closed position. In reference to claim 12, the support structure (31,33) is further defined as a support member (31,33) interconnecting said decorative strip (22) with said base strip (22). Regarding claim 13, the support member (31,33) is further defined as being supported by one of said decorative strip (22) and said base strip (20); wherein support member (33) is supported by the base strip (20) and support member (31) is supported by the decorative member (22). In reference to claim 14, the support member (31) is supported by said decorative strip (22). Regarding claim 15, the support member (33) is supported by said base strip (20). In reference to claim 16, the decorative molding (10) the support mechanism (50) acts also as a retaining mechanism retaining said decorative strip (22) in said closed position over said base strip (20). Regarding claim 17, the retaining member (31) is further defined as including a male member supported by one of said decorative strip (22) and said base strip (20) and a female member (33) supported by said other of said decorative strip (22) and said base strip (26) for engagement therewith. In reference to claim 18, the male member (31) is supported by said decorative strip (22) and said female member (33) is supported by said base strip (26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over both US Patent #6,050,037 to GIFFORD and US Patent 4,308,704 to LLYOD. Both GIFFORD and LLOYD discloses the basic claimed decorative molding except for the male being supported by the base strip and except for the female member being supported by the decorative. The male members (5) and (31) of both GIFFORD and LLOYD are disposed on the decorative strips (28) and (22). Hence it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the male

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member on the base strip and the female member on the decorative strip, since the mere reversal of essential parts of an invention involves only routine skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

June 1, 2004